

REGULAR CITY COUNCIL MEETING  
FEBRUARY 20, 2003

PRESENT

Gayle Bunker  
Wesley Bloomfield  
Robert Droubay  
Margaret Dutson

Mayor  
Council Member  
Council Member  
Council Member

ABSENT

Bruce Curtis  
Glen Swalberg

Council Member  
Council Member

ALSO PRESENT

Alan Riding  
Ken Clark  
Richard Waddingham  
Judy Sabey  
Gregory Jay Schafer  
Pam Lyman  
Dave & Kathleen Noah  
Thomas Chandler  
Garry Christensen  
Marc & JoEllen Messenger  
Dean Larson  
Ryan Nickle & Marsha Nickle

Public Works Director  
Asst. Public Works Director  
City Attorney  
City Treasurer  
City Recorder  
Sunshine Coalition  
City Residents  
Chamber of Commerce Wild Goose Chase  
Former Planning & Zoning Commissioner  
City Residents  
City Resident  
Boy Scout & Parent

Mayor Bunker called the meeting to order at 7:00 p.m. He stated that notice of the meeting time, place and agenda had been posted at the City Building, had been provided to the Millard County Chronicle/Progress, to KNAK Radio, and to each member of the City Council, at least two days prior to the meeting. City Recorder Gregory Jay Schafer acted as secretary.

Council Member Wesley Bloomfield offered an invocation, following which Mayor Bunker led those in attendance in the pledge of allegiance.

MINUTES

The proposed minutes of a Regular City Council Meeting held February 6, 2003 were presented for consideration and approval. Following review, Council Member Robert Droubay MOVED to

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approve the minutes of the Regular City Council Meeting held February 6, 2003, as presented. The motion was SECONDED by Council Member Wesley Bloomfield. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following review, Council Member Wesley Bloomfield MOVED to approve the accounts payable, dated February 20, 2003, in the amount of \$558,555.57. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### UNFINISHED BUSINESS

##### PUBLIC WORKS DIRECTOR ALAN RIDING: PROPOSED STREET PROJECTS FOR 2003

Public Works Director Alan Riding discussed the projects which are proposed for 2003. He noted that the projects are not necessarily listed in order of priority, and may not all be completed during the coming year, but the list represents those projects proposed for this year. Public Works Director Riding answered questions from Council Members regarding the proposed projects. Residents living along 200 East, between 200 North and 300 North, asked what the time schedule is for improving their street. They were advised that the project is one of the highest priorities for this year.

Following discussion, Council Member Wesley Bloomfield MOVED to approve the proposed Street Projects for 2003, as presented by Public Works Director Alan Riding. The motion was SECONDED by Council Member Robert Droubay. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

##### PUBLIC WORKS DIRECTOR ALAN RIDING: REQUEST FOR PURCHASE OF PORTABLE AIR COMPRESSOR

Mayor Bunker noted that this item had been discussed at the previous meeting and had been approved for purchase from a local vendor, even though the local vendor price was approximately \$100 more than an out of town vendor. City Attorney Richard Waddingham advised the Council that he had researched the matter and found that pursuant to Delta City's Purchasing Policy & Procedures, Delta City can reject any and all bids, in whole or in part, as may be specified in the solicitation for bids. Under Utah case law, a municipality may consider other factors such as skill, experience and ability and is not bound to accept a bid simply because it is the lowest. Case law also states that local decision makers are in the best position to decide which bid is best for the municipality and courts will not interfere with their judgment unless fraud, dishonesty, collusion or

lack of good faith is involved. However, City Attorney Waddingham cautioned the Council for the need to review the provisions of the purchasing policy and, also, to consider the fact that acceptance of the lowest bid is wise fiscal management resulting in a savings to the taxpayers.

Public Works Director Riding advised the Council that he had contacted the vendor whose bid was accepted at the last City Council meeting, to request verification of his bid and, in addition, to supply specifications on the air compressor. As of this date, none of the information has been received, even though the vendor has been contacted a number of times.

Following discussion, Council Member Robert Droubay MOVED to allow Lovell, Inc. an additional two weeks to respond to the bid award for purchase of a portable air compressor, as awarded at the previous meeting of the City Council. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion failed for lack of a mandatory majority vote of the Council, with Council Members Robert Droubay and Margaret Dutson voting in favor, Council Member Wesley Bloomfield voting against, and Council Members Bruce Curtis and Glen Swalberg being absent.

#### NEW BUSINESS

#### MAYOR GAYLE BUNKER: PRESENTATION TO FORMER PLANNING & ZONING COMMISSIONERS GARRY CHRISTENSEN AND DAN SPERRY

Mayor Bunker presented a plaque to Garry Christensen in recognition of his service as a Planning & Zoning Commissioner. Mayor Bunker and the Council thanked Mr. Christensen for his time of service on the Commission.

Former Planning & Zoning Commissioner Dan Sperry was not in attendance to receive his presentation.

#### THOMAS E. CHANDLER: SECOND ANNUAL WILD GOOSE CHASE SCHEDULED FOR MARCH 1, 2003

Tom Chandler told the Council that the Second Annual Wild Goose Chase race is scheduled for March 1, 2003 at 10:00 a.m. He requested approval of the Council to use the area of Manzanita Avenue and the White Sage Subdivision area for staging the race. It is expected that approximately seventy runners will be participating.

City Recorder Gregory Jay Schafer inquired whether liability insurance would be provided, showing Delta City as an additional insured. After discussion of this matter, Mr. Chandler agreed to look into obtaining insurance coverage to protect Delta City. He also stated that all race participants would sign a waiver holding the City harmless from any liability.

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Following discussion, Council Member Wesley Bloomfield MOVED to approve the Second Annual Wild Goose Chase race, scheduled for March 1, 2003, on Delta City streets, provided that Dr. Chandler work with City Attorney Waddingham to abate liability issues for Delta City. The motion was SECONDED by Council Member Robert Droubay. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

MAYOR GAYLE BUNKER: AMENDMENT TO DELTA CITY FINAL BUDGET FOR FISCAL YEAR 2002-2003

Mayor Bunker noted that a public hearing had been held, prior to this meeting, for the purpose of receiving public comment regarding the proposed budget amendment. There was no negative comment received at that hearing.

City Attorney Richard Waddingham provided the Council with the following resolution:

RESOLUTION NO: 03-281

A RESOLUTION AMENDING RESOLUTION 02-279 AND THE BUDGET ADOPTED  
THEREBY TO PROVIDE FOR AMENDMENTS TO THE FISCAL YEAR 2002-2003  
BUDGET OF THE CITY OF DELTA.

Following discussion of the proposed budget amendments, Council Member Wesley Bloomfield MOVED to adopt Resolution No. 03-281, a resolution amending Resolution 02-279 and the budget adopted thereby to provide for amendments to the fiscal year 2002-2003 budget of the City of Delta. The motion was SECONDED by Council Member Margaret Dutson. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The voting was as follows:

|                   |        |
|-------------------|--------|
| Wesley Bloomfield | Yes    |
| Bruce Curtis      | Absent |
| Robert Droubay    | Yes    |
| Margaret Dutson   | Yes    |
| Glen Swalberg     | Absent |

The motion passed with Council Members Bloomfield, Droubay and Dutson voting in favor and Council Members Curtis and Swalberg being absent.

OTHER BUSINESS

Pam Lyman, of the Sunshine Coalition, presented Delta City with a check, in the amount of \$305, representing survey returns for the Sunshine Coalition for Drug Free Communities. The program

had previously committed \$1 to be paid to Delta City for each survey that was returned by Delta City residents. The check represents payment for those survey results. Ms. Lyman thanked Mayor Bunker and Delta City for their support of the Sunshine Coalition programs.

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Council Member Wesley Bloomfield noted that a list of janitorial specifications had been included in Council packets for this meeting. In reviewing the specifications, Council Member Bloomfield felt that there are some adjustments which need to be made and requested that the matter be placed on the agenda for discussion at the next meeting of the City Council.

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City Attorney Richard Waddingham informed the Council that he had checked requirements for publishing public notices and found that any legal notices; i.e. those notices required by law, must be published in the Millard County Chronicle/Progress. One of the requirements for publication of legal notices is that a newspaper have a minimum subscription list of 200; the Gazette does not have a subscription list and does not qualify for publication of legal notices.

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Mayor Bunker received a Mutual Self Help Questionnaire from the Six County Association of Governments. Mayor Bunker requested input from the Council to answer the following questions:

1. Are there any families or individuals in your community who do not own their own homes or are living in substandard housing, who cannot afford a mortgage? "Substandard" is defined as "lack of complete plumbing, overcrowding, apartments built in 1939 or earlier and are not energy efficient, renters receiving public assistance, social security income, and no telephones." This questionnaire is an attempt to locate families and individuals in these situations who can be offered the opportunity to provide "sweat equity" in order to receive financing for building a home. Mayor Bunker asked Council Members if they knew of any families or individuals who would be in this category. Council Members felt that there are definitely individuals in Delta City who would fit this category.

2. Are there are at least nine developed lots that could be purchased and start construction? Council Members answered "yes" to this question.

3. Are you interested in having the Six County Association of Governments housing staff meet with the Council about the mutual self help program? Council Members answered "yes".

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Mayor Bunker reported that he had attended the Millard County Commission meeting recently, at which some of Senator Bennett's staff members were in attendance. Mayor Bunker discussed the drinking water arsenic mandate and the lack of funding available for complying with the mandate. Mayor Bunker requested assistance in dealing with the problem. The Senator's staff members told Mayor Bunker that they would look into the problem. He has not yet heard back from them.

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Mayor Bunker asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Margaret Dutson MOVED to adjourn the meeting. The motion was SECONDED by Council Member Robert Droubay. Mayor Bunker asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Bunker declared the meeting adjourned at 7:50 p.m.

  
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GAYLE BUNKER, Mayor

  
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GREGORY JAY SCHAFER, CMC, City Recorder

MINUTES OF MEETING: RCCM 03-06-03

